

## **ZONING AND ADJUSTMENT BOARD**

***April 6, 2009***

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, April 6, 2009, at 6:30 pm with the following members present: Larry Story – Chairman, Ron Berry, Nathan Yoder, Dossie Singleton, Frank Topping, Bailey Cassels, Frank Szczepanski, Woody Hill, Jessica Garner, Brad Shepherd, and Richard Cole.

Members Marge Thies and Bob Hunt were absent.

Brad Cornelius, Planning Manager, and Sandy Cassels, Recording Secretary, were present. Derrill McAteer, Zoning and Adjustment Board Attorney, was also present.

Chairman Larry Story called the meeting to order.

Mr. Cassels led the pledge of allegiance and Mr. Berry led the prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the March 16, 2009, meeting. Mr. Berry seconded the motion, and the motion carried.

### ***S2009-0008***

***Renee Hildebrand –Special Use Permit (SUP) to allow a Skate Track.***

Mr. Cornelius explained to the Zoning & Adjustment Board (ZAB) the applicant supplied a letter withdrawing this application.

### ***T2009-0008***

***Delphenia Bouie –Temporary Use Permit (TUP) to allow a mobile home for three years as a caregiver's residence.***

Juanita Williams, representative for the applicant, was present and requested a Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. There were six notices sent. Of the six notices sent, two were returned in favor and none were returned in objection. There were no objections from the audience. Mr. Topping asked who will be receiving the care, in which Ms. Williams stated her mother would.

Mr. Topping made a motion to approve the Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. Mr. Cole seconded the motion, and the motion carried.

### ***T2009-0009***

***Jonni Post – Renew Temporary Use Permit (TUP) to allow a mobile home for three years as a caregiver's residence.***

Jonni Post, applicant, was present and requested a renewal of a Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. There were seven notices sent. Of the seven notices sent, two were returned in favor and none were returned in objection. There were no objections from the audience. Mr. Topping asked who Ruby Post is, in which Ms. Post stated she is her mother.

Mr. Topping made a motion to approve the renewal of the Temporary Use Permit for three years to allow a mobile home as a caregiver's residence. Mr. Cole seconded the motion, and the motion carried.

**T2009-0010**

**William & Ruth Nichols – Renew Temporary Use Permit (TUP) to allow a mobile home for three years as a caregiver’s residence.**

William Nichols, applicant, was present and requested a renewal of a Temporary Use Permit for three years to allow a mobile home as a caregiver’s residence. There were eight notices sent. Of the eight notices sent, one was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Topping asked Mr. Nichols who lives in the mobile home, in which, Mr. Nichols stated his son does.

Mr. Topping made a motion to approve the renewal of the Temporary Use Permit for three years to allow a mobile home as a caregiver’s residence. Mr. Cole seconded the motion, and the motion carried.

**T2009-0011**

**Kenneth & Martha Vanderpool – Temporary Use Permit to allow a mobile home as a caregiver’s residence.**

Kenneth Vanderpool, applicant, was present and requested a Temporary Use Permit to allow a mobile home as a caregiver’s residence. There were six notices sent. Of the six notices sent, none were returned in favor or in objection. There were no objections from the audience. Mr. Cornelius explained the applicant will be constructing a handicapped accessible conventionally (site) built home.

The grandchild of the applicant requires significant medical care. The applicant’s daughter is the mother of the child. The applicant will be residing in the mobile home to provide care assistance for the grandchild and their daughter.

Mr. Topping made a motion to approve the Temporary Use Permit for three years to allow a mobile home as a caregiver’s residence. Mr. Cole seconded the motion, and the motion carried.

**R2009-0009**

**Jay & Melissa Fuller – Rezone 1.18 acres MOL from a non-compliant A5 to RR1C**

Jay & Melissa Fuller, applicants, were present and requested a rezoning on 1.18 acres MOL from a non-compliant A5 to RR1C. There were five notices sent. Of the five notices sent, one was returned in objection and two were returned in favor. Mrs. Cassels read the letter of objection into the record. There were no objections from the audience. Mr. Cornelius explained this parcel is in the located Rural Residential Future Land Use and which requires a minimum of one acre. Mr. Cornelius stated the RR1C zoning district requires either a conventionally (site) built home or a Class “A” mobile home.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Berry seconded the motion, and the motion carried.

**SS2009-0003**

**Harry & Parbatee Doobay – Small Scale Land Use Amendment on 2.3 acres MOL from Agricultural to Rural Residential**

Harry Doobay, applicant, was present and requested a Small Scale Land Use Amendment on 2.3 acres MOL from Agricultural to Rural Residential. There were five notices sent. Of the five notices sent, none were returned in favor or in objection. There were no objections from the audience. Mr. Cornelius explained this parcel is within close proximity to the City of Webster and Rural Residential land use. Mr. Topping asked Mr. Doobay if he has plans for the property. Mr. Doobay explained his intentions are to construct a residence on the property.

Mr. Topping made a motion to recommend approval of the Small Scale Land Use Amendment to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

**R2009-0008**

***Harry & Parbatee Doobay – Rezone 2.3 acres MOL from a non-compliant RR to RR1C***

Harry Doobay, applicant, was present and requested a rezoning on 2.3 acres MOL from a non-compliant RR to RR1C. There were five notices sent. Of the five notices sent, none were returned in favor or in objection. There were no objections from the audience.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion, and the motion carried.

**S2009-0009**

***Bruce Hartog, (LE) – Minor Special Use Permit to allow a welding and metal fabrication business as a home occupation.***

Bruce Hartog, applicant, was present and requested a minor Special Use Permit to allow a welding and metal fabrication business as a home occupation. There were five notices sent. Of the five notices sent, none were returned in favor or in objection. There were no objections from the audience. Mr. Cornelius discussed with the Zoning & Adjustment Board (ZAB) Section 13-713 Sumter County Land Development Code, which limits home occupations to parcels fronting on a county or state maintained road which this parcel does not and is accessed by an easement. Another requirement for a home occupation is all business must be conducted in an enclosed building. Mr. Hartog explained the business will be conducted inside a two-car garage; however some of the work will be done under a carport. The ZAB members discussed available options with Mr. Hartog, including doing all business inside the garage and paving the easement. Mr. Cole asked Mr. Cornelius if the ZAB could add conditions for approval. Mr. Cornelius stated the ZAB could if they chose to. Mr. Cornelius also discussed the exempt home occupation requirements. After discussion, Mr. Hartog asked to withdraw his application for a Special Use Permit for a home occupation, and decided to operate his home occupation based on the exempt home occupation requirements, in which all business will be conducted within an enclosed structure and no customers will come to his residence. He will also not advertise the address of the business on anything other than business cards. He will not exceed the maximum two trips per day allowed in conjunction with the home occupation, nor will any materials be delivered to his property.

Mr. Story requested a 10 minute recess at 7:10 p.m.

The meeting resumed at 7:20 p.m.

**S2009-0001**

***David & Barbara Shelley, et al – Minor Special Use Permit to allow land application of liquid septage residuals.***

Mr. Cornelius explained the applicant submitted additional material just prior to the ZAB meeting and the Sumter County Land Development Code states if new materials are submitted less than five days prior to the hearing date, the approving authority may table the application to allow staff sufficient time to review the additional material. Mr. Cornelius also explained Mr. Shelley, his consultants, and Tetra Tech, County consultants, met during the previous cases and requests the case be tabled until the next available hearing.

Mr. McAteer explained due to the new material being submitted immediately prior to the hearing, the best course of action is tabling the request until the April 20, 2009, hearing.

Mr. Topping raised concerns about tabling the request and stated he has numerous other concerns regarding the application. Mr. Topping requested staff provide a full review of the application.

Mr. Cole made a motion to table this application until the April 20, 2009, hearing to allow staff sufficient time to review the additional material submitted on April 6, 2009. Mr. Berry seconded the motion, and the motion carried.

**Board Discussion:**

Mr. Story discussed an information sheet regarding “Typical Quasi-Judicial Hearing Procedures”. Mr. Story explained the information sheet states the members are required to disclose any communication with applicants or concerned citizens in reference to cases prior to the case being heard.

The ZAB discussed due process for applications submitted and any pertinent information from applicants and/or concerned citizens being considered for applications.

Mr. Topping stated he feels we should request that audience members remove their hats at the beginning of each meeting.

Mr. Cole made a motion to adjourn at 8:05. Mr. Topping seconded the motion, and the motion carried.

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Larry Story, Chairman  
Zoning and Adjustment Board